REMARKS

As of the 03 May 2007 *Final Office Action*, Claims 4-8 and 10-15 are pending in the Application. In the *Final Office Action*, Examiner rejects all pending Claims. In the 17 August 2007 Advisory Action, the Examiner states that the proposed amendments failed to place the Application in condition for allowance, and did not enter the amendments. Applicant thanks Examiner with appreciation for the careful consideration and examination given to the Application.

By the *Response and Amendment With RCE*, Applicant amends Claims 4, 5, and 10-11. Claims 6-7, 12-13, and 15 were previously presented, Claims 8 and 14 are in their original format, Claims 16-24 stand withdrawn, and Claims 25-28 are canceled.

No new matter is believed introduced in this submission as at least ¶¶ [0045]-[0053] and Figs. 3-7 of the *Publication* of the present Application support the amendments. (*See U.S. Patent Publication No. 2005/0286979*)

Applicant submits this *Response and Amendment With RCE* solely to facilitate prosecution. As such, Applicant reserves the right to present new or additional claims in this Application that have similar or broader scope as originally filed. Applicant also reserves the right to present additional claims in a later-filed continuation application that have similar or broader scope as originally filed. Accordingly, any amendment, argument, or claim cancellation presented during prosecution is not to be construed as abandonment or disclaimer of subject matter.

Accordingly, in this *Response and Amendment With RCE*, Claims 4-8 and 10-15 are pending in the Application. No new matter is introduced in this *Response and Amendment With RCE*. It is respectfully submitted that the present Application is in condition for allowance for the following reasons:

I. Overview of the Rejections

A. Rejections Under 35 U.S.C. §102

In the *Final Office Action,* Claims 4-7 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent Nos. 4,611,953 to Owens ("Owens"), 4,459,931 to Glidden ("Glidden"), and 3,788,396 to Shatto et al. ("Shatto").

B. Rejections Under 35 U.S.C. §103

In the *Final Office Action,* Claims 8 and 10-15 are rejected under 35 U.S.C. § 103(a).

Specifically, Claim 8 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Owens in view of U.S. Patent No. 4,406,094 to Hempel et al. ("Hempel") or U.S. Patent No. 4,222,683 to Schaloske et al. ("Schaloske"). Moreover, Claim 8 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Glidden in view of Hempel or Schaloske. Also, Claim 8 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Shatto in view of Hempel or Schaloske. Claims 10-14 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Owens or Glidden in view of U.S. Patent No. 4,789,271 to Sullaway et al. ("Sullaway"), U.S. Patent No. 6,409,428 to Moog et al. ("Moog"), U.S. Patent No. 4,869,615 to Galle ("Galle"), or U.S. Patent No. 4,902,169 to Sutton ("Sutton"). Claim 15 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Owens or Glidden in view Sullaway, Moog, Galle, or Sutton in further view of Hempel or Schaloske.

In the present Application, Claims 4-8 and 10-15 as amended are novel over the cited references. Further, the combination of the features recited in Claims 4-8 and 10-15 would not have been a predictable result from a combination of the teachings of the cited references.

II. Claims 4-8 Are Patentable Over The Cited References

Claim 4 as amended is believed patentable over Owens, Glidden, and Shatto because it recites an "adjustable alignment means" that is not disclosed in the cited references. As this feature is absent from Owens, Glidden, and Shatto, it is respectfully submitted that Claim 4, and those Claims ultimately dependent therefrom, are novel over Owens, Glidden, and Shatto.

Currently amended Claim 4 is directed to a structure for insertion into a foundation, the foundation having an intermediate supporting part and an upper body part having an internal guiding surface. The structure includes an adjustable alignment means which is caused to act on the internal guiding surface after insertion of the structure into the socket to achieve a correct alignment of the structure.

Applicant respectfully submits that the originally-filed application, and thus the *Publication* of same, provides support for the present amendments to the Claims. In particular, support for the limitation "end part has been accommodated in the socket" is present in Figs. 3-7, which illustrate the sequence that the end part of the structure is located fully in the socket, the alignment means are brought into position, alignment is effected, and then the alignment means

can be removed. Applicant also points the Examiner to ¶¶ [0045] – [0053] for further support.

There are at least two limitations recited in the claimed invention that are patentably distinguishable from the cited references. First, the alignment means of the claimed invention acts on the guiding surface after the end part of the structure has been fully received and/or accommodated in the socket. This differentiates the function and action of the "alignment means" over the cited references, which are all concerned (intentionally or otherwise) with the alignment of the end part relative to the socket to facilitate entry of the end part into the socket. In contrast, the alignment means of the claimed invention adjust the position of the structure relative to the socket to achieve a desired alignment with respect to the vertical. Second, the alignment means of the claimed invention are active rather than passive. Thus, adjustment of the alignment of the structure requires a positive positional adjustment of the alignment means acting on the guiding surface.

None the cited references - Owens, Glidden, or Shatto - disclose an alignment means as recited in the claimed invention.

Owens discloses a sub-sea tether anchor that includes a "plug," which is retained in a "socket" of a foundation on the seabed. The Examiner identifies items 56, 50 and 46 as alignment means readable on the alignment means of the present Claims. These items, however, are a patentably distinct conventional latching means. Item 46 is a latch segment or dog which has a "doghead" 50. Item 56 is a latching key. The doghead 50 is urged into an annular recess 18 of the socket to retain the plug in the socket. Latching key 56 is a part of an automatic release mechanism. Thus, none of these items has any effect on, or function in relation to the function of the recited "alignment means" of the present Claims.

Further, Owens relates to a tether in the form of a tendon T (Fig. 2) that is attached to the plug by way of a flexible joint 26, which permits rotational movement of the tendon with respect to the plug. In the sense of the present invention, alignment of the tendon T as recited in Claim 4 (i.e. obtaining a desired fixed vertical alignment) is irrelevant in and not disclosed by Owens.

Glidden also fails to disclose an adjustable alignment means as recited in Claim 4. The Examiner refers to items 62, 63 and 56. Item 56 is a snap ring, which is urged radially outwardly into an annular recess 32 of the socket to retain the plug in the socket. Items 62 are helical springs that act on positioning pins 63. The springs 62 and pins 63 are used to urge the snap ring into a retracted and locked condition for removal of the plug from the socket. Thus, Glidden

does not teach the function of the recited "alignment means" of the present Claims.

Shatto also fails to disclose an adjustable alignment means as recited in Claim 4. Shatto discloses devices for re-entry into wells on the sea floor, and Figure 6 shows a "bumper head" 149 at the end of a tube string. The well head has a guide cone 154. The bumper head is provided with arms 151 which are hinged at 152 at their lower ends so that they can extend radially outwardly. Springs 153 urge the arms 151 outwardly. The arms 151 contact the guide cone 154 to assist in directing the bumper head to the central well casing 156. Shatto does not disclose the function of the recited "alignment means" of the present Claims.

Shatto further discloses attachment of a drill string, the exact vertical alignment of which is irrelevant. There are several distinctions between the teaching of Shatto and features recited in Claim 4. First, the alignment means act to align the structure of Claim 4 after the end part of the structure has been received in the socket. In contrast, the alignment in Shatto occurs prior to entry of the bumper head into anything that might be interpreted as a socket. Second, Claim 4 requires a positive adjustment of the alignment means to correctly align the structure. In contrast, the alignment means in Shatto are passive – they merely move against the bias of the springs 153 in response to contact with guide cone 154. Therefore, Shatto fails to disclose an alignment means as recited in Claim 4.

For at least these reasons, Owens, Glidden, and Shatto fail to disclose each and every limitation of Claim 4. Thus, Applicant respectfully submits that Claim 4 is patentable over Owens, Glidden, and Shatto, and is in condition for allowance. Further, Claims 5-8 are also believed to be in condition for allowance at least due to their dependence upon Claim 4, and further features defined therein.

Claim 8 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Owens, Glidden, and Shatto in view Hempel or Schaloske. Hempel and Schaloske do not disclose an adjustable alignment means as disclosed in Claim 4, and therefore do not cure the defects of Owens, Glidden, and Shatto with regard to Claim 4 as described above. For at least this reason, the structure as recited in Claim 4 would not have been a predictable result from combining the teachings of the cited references. Thus, Applicant respectfully submits that Claim 8 is patentable over the cited references due to its dependence upon Claim 4.

III. Claims 10-15 Are Patentable Over The Cited References

Claim 10 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Owens

or Glidden in view of Sullaway, Moog, Galle, or Sutton. Claim 10 as clarified recites an adjustable alignment means that is not disclosed in the cited references. As this feature is absent from the cited references, it is respectfully submitted that Claim 10, and those Claims ultimately dependent therefrom, are patentable over Owens or Glidden in view of Sullaway, Moog, Galle, or Sutton.

As discussed above with regard to Claim 4, Owens and Glidden fail to disclose the recited adjustable alignment means. Sullaway, Moog, Galle, and Sutton do not disclose the recited adjustable alignment means, and therefore do not cure the defects of Owens and Glidden with regard to Claim 10. For at least this reason, the structure as recited in Claim 10 would not have been a predictable result from combining the teachings of the cited references. Therefore, Claim 10 is patentable since the cited references fail to disclose each and every recited feature.

With regard to Claim 11, the cited references do not disclose a removable alignment means. For at least this reason, the structure as recited in Claim 11 would not have been a predictable result from combining the teachings of the cited references. Therefore, Claim 11 is patentable since the cited references fails to disclose each and every recited feature.

Claim 15 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Owens or Glidden in view of Sullaway, Moog, Galle, or Sutton in further view Hempel or Schaloske. Hempel and Schaloske do not disclose the recited adjustable alignment means, and therefore do not cure the defects of Owens, Glidden, Sullaway, Moog, Galle, or Sutton with regard to Claim 10. For at least this reason, the structure as recited in Claim 4 would not have been a predictable result from combining the teachings of the cited references. Thus, Applicant respectfully asserts that Claim 8 is patentable over the cited references due to its dependence upon Claim 4.

For at least these reasons, Owens or Glidden, Sullaway, Moog, Galle, Sutton, Hempel, and Schaloske fail to disclose each and every limitation of Claim 10. Thus, Applicant respectfully submits that Claim 10 is patentable over the cited references, and is in condition for allowance. Claim 11 is currently amended to correct a misspelled word, and to further clarify same. Consequently, Claims 11-15 are also believed to be in condition for allowance at least due to their dependence upon Claim 10, and further features defined therein.

IV. Fees

This *Response and Amendment With RCE* is being filed within the statutory period, specifically within five months of the mailing date of the *Final Office Action*, and thus extension

of time fees for two months are believed due. A *Request for Extension of Time* is submitted herewith.

As amended, the Application does not contain Claims in excess of the number paid for upon original filing, thus no Claim fees are believed due.

Nonetheless, the Commissioner is hereby expressly authorized to charge any fees that may be required to Deposit Account No. 20-1507.

CONCLUSION

Applicant respectfully submits that all pending Claims are in condition for allowance and respectfully requests issuance of this case in due course of *Patent Office* business. If Examiner believes there are other issues that can be resolved by a telephone interview, or there are any informalities remaining in the application correctable by an Examiner's amendment, a telephone call to the undersigned at (404) 885-3340 is respectfully requested.

Respectfully submitted,

TROUTMAN SANDERS LLP

/Seyed Kaveh E. Rashidi-Yazd, Reg. #59533/

Seyed Kaveh E. Rashidi-Yazd
USPTO Reg. No. 59,533

TROUTMAN SANDERS LLP
Bank of America Plaza
600 Peachtree Street, N.E., Suite 5200
Atlanta, Georgia 30308-2216
United States
Phone: 404.885.3340
Fax: 404.962.6637
DATE: 17 October 2007

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I certify that this correspondence is being submitted by e-filing to the U.S. Patent and Trademark Office in accordance with §1.8 on October 17, 2007, via the EFS-Web electronic filing system.

/Filip A. Kowalewski 60026/
Filip A. Kowalewski USPTO Reg. No. 60,026
17 October 2007